

## **Indiana Regulatory Occupations Evaluation Committee Minutes of the June 20, 2012 Committee Meeting**

### **Call to Order & Establishment of Quorum**

The Regulatory Occupations Evaluation Committee (ROEC) meeting was called to order on Wednesday, June 20, 2012 in the Government Center South Conference Room W064 at 9:00 a.m.

Committee members present:

- Barry Boudreaux, Acting Chair
- Gloria Downham
- Frances Kelly
- Deanna Malatesta
- Dave Miller
- Sally Spiers
- Rita Springer

IPLA staff members present:

- Gale Albright
- Marty Allain

### **Review of Minutes of May 23, 2012 meeting**

The May 23, 2012 minutes were reviewed and unanimously approved by committee members.

### **Discussion of recommendations to be made in ROEC report to Indiana Health Finance Commission**

#### **Real Estate Appraiser Licensure & Certification Board**

Barry stated that this board did not present any recommendations or improvements due to them being federally mandated.

The committee asked Jeanette Roberts, Board Director for the Real Estate Appraiser Licensure and Certification Board, what the purpose is of a CE sponsor license and whether it is federally mandated. She responded that she did not know whether or not it is a federal requirement, but the REA Board rules require that CE sponsors are either AQB approved or approved by the board. The courses also have to be approved as under-7 hours, but recently the board has started discussions on nullifying the 7-hour rule because they would like to approve longer courses themselves.

They further questioned her about temporary appraiser permits and how these work. Jeanette explained that an individual is allowed three (3) permits a year for a one (1) year period. She further stated that these permits are mainly obtained by commercial appraisers.

Dave Miller volunteered to write the review and recommendations portion of the ROEC final report regarding the Real Estate Appraiser Licensure & Certification Board. He stated that he will also consult with Joe Traynor who is member of the Real Estate Board.

### **Physical Therapy Committee**

The committee reviewed the report from Lisa Bentley of other boards that are under the purview of the Medical Licensing Board. The committee decided to move this issue to its cross cutting issues list for later review.

When questioned about liability it was pointed out that physical therapists write the orders and in many cases the physical therapy assistants will carry-out those orders, thereby sharing responsibility. Currently there is a limit on three (3) PT assistants that a physician can oversee.

The committee concluded that the PT Corporation license is unnecessary and redundant.

Temporary PT permits are mainly in existence because the federation that issues the test has limited the number of tests for both PTs and PTAs due to exam fraud. These temporary permits are limited to ninety (90) days.

The request for direct access has been withdrawn by the physical therapy committee.

The recommendation from the Physical Therapy Committee that it should be removed from under the purview of the Medical Licensing Board and allow them to be an independent board, was added to the committee's cross-cutting issues and tabled at this time.

It was decided that board member Rita Springer will write this portion of the report for the committee.

Recommendation: The committee agreed that the Physical Therapy Committee and its licenses should remain intact, with the exception of the PT Corporations which should be placed on the sunset list.

### **Indiana Athletic Trainers Board**

Gloria Downham volunteered to write this portion of the report.

Recommendation: The committee agreed that the Indiana Athletic Trainer Board should be left intact.

## **Physicians Assistant Committee**

Frances Kelly agreed to write this portion of the report for the committee.

Recommendations: Clarify and potentially relax chart review provisions.  
Permit more discretion between the physician and PA regarding the supervision and scope of practice requirements.  
Increase the number of PAs a physician may supervise.  
Recommend that the Physician Assistants Temporary License is no longer necessary and should be removed.  
Lastly, include in the report a recommendation that the Indiana State Medical Association (ISMA) work with physician assistants to put forth mutually beneficial language that will increase access to healthcare, not restrict practice.

## **Discussion of cross-cutting issues to be considered for ROEC Report**

### **a. Professional Corporations**

It was discussed that an individual should be allowed to go straight to the Secretary of State to file thereby eliminating the PLA license step entirely. The committee concluded that this is an unnecessary step as well as a burdensome fee on individuals.

Marty Allain explained that prior to 1983 there was a district corporate formation statute for medical, dental, vets etc. To streamline in 1983 the General Assembly passed the PC statute. Then the limited liability company was formed in which a person can be in a profession but does not need a PLA license. Finally the Uniform Partnership Act was created where limited liability partnership was formed that does not need a PLA license either. Currently the professional corporation license is an old school approach and PLA does not need to be involved.

Dave stated that he will make sure there is nothing in the statute that would disturb the OAG's office about pulling this license. He will report his findings back to the committee.

Sally Spiers volunteered to write this portion of the report.

### **b. Conceptual structure of sunset review**

Scoring benchmarks to recommend to sunset review would be suggested.  
Previous recommendations will be included in sunset review recommendation.

Deanna Malatesta spoke to the committee about suggesting that the General Assembly form a sunset and sunrise committee. She explained that CLEAR, which is a clearing house, gives access to what each state is doing as far as their licensing processes.

Frances explained that there was an actual sunset committee at one time in this state, but that the universities lobbied to have that group abolished.

Gloria stated that she felt this committee is currently doing the work of a sunset committee and would be hesitant to encourage the legislature to have another process formed for the same reason. She would like to propose that somewhere within this report they recommend some licenses be moved to a sunset list to be reviewed at a later date.

Recommendation: Remove the Physical Therapy Committee from the Medical Licensing Board allowing them to become a stand-alone board.

In addition the committee agreed that they want to draw attention to these other suggestions in their report:

- Committee of Hearing Aid Dealers should be placed with the Speech-Language Pathology Audiology Board
- Occupational Therapy Committee should be combined with the Physical Therapy Committee.

### **Review Schedule**

Gloria reminded the committee members that they agreed to attempt to file their report by September 30, 2012. Dave offered to create the same type of table regarding complaint numbers for each board or committee as he did for the last report.

The committee talked through attempting to include the Respiratory Care Committee and Indiana Auctioneer Commission in their report. It was concluded that they do not feel the timing can be worked out to include them.

Acting Chairman Boudreaux requested that everyone have reports submitted to Gale by August 15<sup>th</sup> and once compiled she will send them on to the committee.

#### **AUGUST 22, 2012 – 9am-3pm**

- Respiratory Care Committee – “Part A & B” presentation
- Indiana Auctioneer Commission – “Part A & B” presentation
- Findings and Recommendations of the Respiratory Care Committee and the Indiana Auctioneer Commission
- Review of ROEC Report to Health Finance Commission

#### **SEPTEMBER 19, 2012 – 9am-12pm**

- Finalize ROEC Report to Health Finance Commission

**OCTOBER 24, 2012 – 9am-3pm**

- Indiana Plumbing Commission – “Part A & B” presentation
- Indiana State Psychology Board – “Part A & B” presentation
- Findings and Recommendations of the Indiana Plumbing Commission and the Indiana State Psychology Board

**DECEMBER 5, 2012 – 9am-12pm**

- TBD

**Adjournment**

Acting Chairman Boudreaux adjourned the meeting at approximately 11:40 a.m.

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Barry Boudreaux, Acting Chair

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Date

Indiana Regulatory Occupations Evaluation Committee

**Next Scheduled Meeting:**

August 22, 2012

9:00 a.m.

Indiana Government Center South

Conference Center Room 5